



General Assembly

February Session, 2004

**Amendment**

LCO No. 2982

\*HB0534002982SD0\*

Offered by:  
SEN. PRAGUE, 19<sup>th</sup> Dist.

To: Subst. House Bill No. 5340

File No. 324

Cal. No. 383

**"AN ACT CONCERNING LUMP SUM PAYMENTS UNDER THE  
WORKERS' COMPENSATION ACT."**

1 After the last section, add the following and renumber sections and  
2 internal references accordingly:

3 "Sec. 501. Section 31-307 of the general statutes is repealed and the  
4 following is substituted in lieu thereof (*Effective October 1, 2004*):

5 (a) If any injury for which compensation is provided under the  
6 provisions of this chapter results in total incapacity to work, the  
7 injured employee shall be paid a weekly compensation equal to  
8 seventy-five per cent of [his] the injured employee's average weekly  
9 earnings as of the date of the injury, calculated pursuant to section 31-  
10 310, after such earnings have been reduced by any deduction for  
11 federal or state taxes, or both, and for the federal Insurance  
12 Contributions Act made from such employee's total wages received  
13 during the period of calculation of the employee's average weekly  
14 wage pursuant to said section 31-310; but the compensation shall not  
15 be more than the maximum weekly benefit rate set forth in section 31-

16 309 for the year in which the injury occurred. No employee entitled to  
17 compensation under this section shall receive less than twenty per cent  
18 of the maximum weekly compensation rate, as provided in section 31-  
19 309, provided the minimum payment shall not exceed seventy-five per  
20 cent of the employee's average weekly wage, as determined under  
21 section 31-310, and the compensation shall not continue longer than  
22 the period of total incapacity.

23 (b) Notwithstanding the provisions of subsection (a) of this section,  
24 any employee who suffers any injury or illness caused by [his] the  
25 employer's violation of any health or safety regulation adopted  
26 pursuant to chapter 571 or adopted by the federal Occupational Safety  
27 and Health Administration and listed in 29 CFR, Chapter XVII, after  
28 the violation has been cited in accordance with the provisions of  
29 section 31-375 or the provisions of the Occupational Safety and Health  
30 Act of 1970, 84 Stat. 1601 (1970), 29 USC 658 and not abated within the  
31 time fixed by the citation, provided the citation has not been set aside  
32 by appeal to the appropriate agency or court having jurisdiction, shall  
33 receive a weekly compensation equal to one hundred per cent of the  
34 employee's average weekly earnings at the time of the injury or illness.

35 (c) The following injuries of any person shall be considered as  
36 causing total incapacity and compensation shall be paid accordingly:  
37 (1) Total and permanent loss of sight of both eyes, or the reduction to  
38 one-tenth or less of normal vision; (2) the loss of both feet at or above  
39 the ankle; (3) the loss of both hands at or above the wrist; (4) the loss of  
40 one foot at or above the ankle and one hand at or above the wrist; (5)  
41 any injury resulting in permanent and complete paralysis of the legs or  
42 arms or of one leg and one arm; (6) any injury resulting in incurable  
43 imbecility or mental illness.

44 (d) An employee who has suffered the loss or loss of the use of one  
45 of the members of [his] the body, or part of one of the members of [his]  
46 the body, or the reduction of vision in one eye to one-tenth or less of  
47 normal vision, shall not receive compensation for the later injury in  
48 excess of the compensation allowed for the injury when considered by

49   itself and not in conjunction with the previous incapacity except as  
50   provided in this chapter.

51       [(e) Notwithstanding any provision of the general statutes to the  
52   contrary, compensation paid to an employee for an employee's total  
53   incapacity shall be reduced while the employee is entitled to receive  
54   old age insurance benefits pursuant to the federal Social Security Act.  
55   The amount of each reduced workers' compensation payment shall  
56   equal the excess, if any, of the workers' compensation payment over  
57   the old age insurance benefits.]"